

U.S. application of ZIEGS, Carsten, Ser. No. 10/068,469

Amendment dated April 20, 2004

Reply to Office Action of August 29, 2003

and Advisory Action of January 8, 2004

REMARKS/ARGUMENTS

Reconsideration and allowance of the subject application are respectfully requested.

In the amendments above, we have revised independent claim 9. With entry of this amendment, claims 9 and 11-18 are pending. Claim 9 is revised to recite that the device for braking a motor shaft within the chain saw comprises a brake band that at least partially surrounds an area of the motor shaft, and at least one guide component that cooperates with the brake band and holds the brake band in its axial position, wherein the brake band comprises at least one projection formed as one piece with the brake band, said at least one guide component (feature 22 in Figure 5 or 6) comprising a recess (feature 26) for receiving the at least one projection (features 20, 21), said recess comprising lateral surfaces (features 27a, 28a, 29a) for engaging with the at least one projection. Support for this amendment can be found in Figures 5 and 6, and on page 5 at lines 13-26. No new matter is introduced by these amendments to claim 9. Entry is therefore requested.

As per the Advisory Action, the only outstanding rejection is of claims 9 and 11-18, which remain rejected under 35 U.S.C. §103(a) as obvious over Gustafsson (U.S. Patent Number 3,776,331) in view of Colletti (U.S. Patent Number 6,112,863). The Examiner has asserted that it would have been obvious to one of ordinary skill in the art to have merely utilized the brake band with projections of Colletti and the housing with a recess of Colletti into the chain saw of Gustafsson, in order to restrict the lateral movement of the brake band within the recess in the housing.

Independent claim 9 is now amended to define the guide component(s) as comprising a recess for receiving projections of the brake band, having lateral surfaces for engaging with the projections of the brake band. The primary reference Colletti does not teach that there are lateral surfaces for guiding the brake band in an axial direction. The expression “axial” is only used concerning Bowden cables and an axial alignment of the input and output shaft. In contrast, Colletti describes a lug that has a surface which slopes up from the outer surface of the brake band to a predetermined height above the

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outer surface of the brake band on either side thereof. The wall of the lug receiving concavity parallels the surface of the lug sloping up from the outer surface of the brake band. Therefore, Colletti actually teaches a braking system quite different from our claimed invention. The Colletti lugs serve for avoiding circumferential movement of the band in a radial direction. Moreover, Colletti does not even disclose in its figures any surfaces of the concavities that are perpendicularly arranged to the axis of rotation.

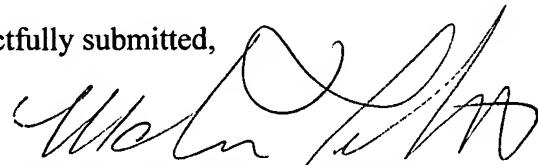
The Gustafsson reference does not make up for the deficiencies of Colletti. In addition, we note that in Colletti, the brake band is rotatable, whereas in Gustafsson the brake band is fixed at one end. Consequently, someone having ordinary skill in this art would not have been reasonably expected to combine Colletti and Gustafsson to come up with our invention. As we have pointed out before, Colletti and Gustafsson employ entirely different working principles and purposes of usage from each other. Someone having ordinary skill in this art, with these two references in hand, would not have reasonably found our claimed invention obvious therefrom. Therefore, we respectfully submit that none of our claims is rendered obvious from this combination of art, and reconsideration is requested.

In summary, all of the Examiner's outstanding rejections and objections have been addressed, and the application is believed to be in allowable form. Notice to that effect is earnestly solicited. No amendment made was related to the statutory requirements of patentability unless expressly stated herein.

If the Examiner has any questions, please contact applicants' representative Marlana K. Titus at (301) 977-7227 (**please note that this is a new telephone number**).

Respectfully submitted,

By



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